

- (b) hybridizing [of] cells under study *in situ* with the amplified DNAs from (a);
- (c) amplifying DNAs from the *in situ* hybridized cells from (b) by means of a PCR method using the tag primers from (a);
- (d) cohybridizing the DNAs from (a) and (c) to metaphase chromosome spreads from normal cells under suppression hybridization conditions; and
- (e) identifying numerical changes in the amplified DNAs from (c).

2. (Amended) The process according to claim 1, [characterized in that] wherein the cells under study originate from tumors.

3. (Amended) The process according to claim 1, [characterized in that] wherein the cells under study originate from the blood of pregnant persons.

4. (Twice Amended) The process according to claim 2 or 3, [characterized in that] wherein the cells under study are those of a cell population or single cells.

5. (Amended) The process according to [any one of claims 1 to 4] claim 1, [characterized in that] wherein the cells under study have an interphase nucleus.

6. (Amended) The process according to [any one of claims 1 to 5] claim 1, [characterized in that] wherein the tag primers are degenerative primers.

7 (Amended) The process according to [any one of claims 1 to 6] claim 1, [characterized in that] wherein the identification from (d) comprises a "Comparative Genomic Hybridization" (CGH) method.

8. (Twice Amended) A kit for carrying out the process according to [any one of claims 1 to 7] claim 1, comprising the following components:

- (a) DNAs flanked by tag primers that are amplified from cells that have no known numerical changes in their DNAs;
- (b) tag primers; and
- (c) auxiliary agents for identifying numerical changes in a DNA.

### **REMARKS**

#### **Request to Withdraw Finality**

Claim 8 is rejected under 35 U.S.C. §103(a) as being unpatentable over Worton and Batt. Applicants respectfully submit that this is a new ground of rejection as the two references were not cited against the application in the previous Office Action dated July 26, 2000. Applicants submit that the final rejection is premature and request the Examiner to reconsider the finality of the rejection of the last Office Action.

#### **The Amendments**

Claim 1 is amended to recite "the process for detecting chromosomal overrepresentation in cells." Support for the amendment can be found at page 1, lines 19-21 of the substitute specification.

Claims 1 and 8 are amended to insert "numerical" changes. "Numerical" was present in Claims 1 and 8 as filed. Therefore, the amendment does not raise a new issue or require a new search. Applicants have explained why "numerical changes" are not indefinite in the following Section 6.

No new matter is added in any of the above amendments. Applicants believe that the amendments would overcome the rejection or present a better form on appeal. The Examiner is requested to enter the amendments and reconsider the application.